

REMARKS

The Office Action dated March 4, 2004 has been reviewed and carefully considered. Claims 1 and 3-7 remain pending, of which the independent claims are 1 and 7. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1 and 3-7 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,619,500 to Hiekali in view of U.S. Patent No. 5,910,954 to Bronstein et al. ("Bronstein") and U.S. Patent No. 5,740,075 to Bigham et al. ("Bigham").

Claim 1 recites, ". . . wherein the access node switch controls all of the network specific switching without having to know a carrier frequency allocated to a terminal coupled to a sub-network."

Item 12 of the Office Action acknowledges that Hiekali and Bronstein, alone or in combination, fail to disclose the above-quoted limitation of claim 1. Item 12 of the Office Action then suggests that Bigham discloses a frequency converter in the Bigham access sub-network 15₂. Item 12 concludes that, therefore, a control sub-network 15₃ upstream of the access sub-network need not know the carrier frequency of any particular terminal.

Firstly, however, the Bigham frequency converter, however, is located not in the access sub-network 15₂, but at the subscriber premises.

Secondly, the subscriber's selection of channel by means of the frequency converter has no apparent connection to the allocating of a carrier frequency to a terminal.

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Thirdly, the stated conclusion that an upstream control element "controls all of the network specific switching without having to know a carrier frequency allocated to a terminal coupled to a sub-network" amounts to nothing more than pure speculation. Bigham merely states that the network controller 323 will recognize the carrier frequency of upstream traffic, not that any upstream element "controls all of the network specific switching without having to know a carrier frequency allocated to a terminal coupled to a sub-network."

It is noted that, although item 3 of the Office Action suggests that Hiekali discloses "channel cluster modules are arranged for transmitting downstream signals on one carrier frequency," this assertion is unsupported in Hiekali.

While Hiekali is designed for efficiency (col. 4, line 21(22): "utilizes the unused channels"), high-speed (col. 2, line 10: "high speed") operation, utilization of off-the-shelf (col. 8, line 8: "off the shelf"), standard components and reduction of cost through simplicity (col. 8, lines 4-5), Bronstein is designed for flexible reconfiguration of routing paths at the cost of added complexity and overhead (col. 4, line 40) "LAN emulation header"; col. 5, line 37: "arbiter"; col. 6, line 14: "bridging and aging"; col. 8, lines 30-38).

Moreover, the Bronstein network switch 10 shares a significant amount of common functionality with Hiekali SIMs and NIMs, and therefore cannot merely be tacked on as a front-end or back-end to the Hiekali ATM gateway. Accordingly, it is unclear how the two references would be integrated to achieve a practical embodiment, and, if integrated, how the resulting combination would not change the principle of

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operation of the primary reference. Since the proposed modification would change the principle of operation of the primary reference, the combination is non-obvious.

For at least all of the above reasons, the proposed combination of prior art would not have been obvious, and, moreover, would not meet all of the limitations of the invention as recited in claim 1.

Claim 7 recites the same above-quoted limitation and is likewise deemed to be non-obvious over the cited references.

As to the other rejected claims, each depends from a base claim and is deemed to be patentable at least due to its dependency, although each warrants further consideration based on its additional, individual merits.

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Amendment After Final Rejection
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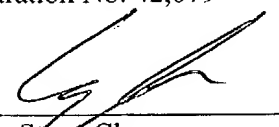
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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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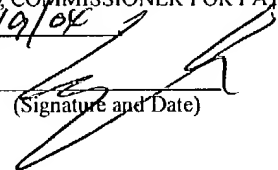
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